

July 7, 2004

## **EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW PROGRAM**

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive provides information and direction for the implementation of an Emergency Planning and Community Right-to-Know Program at VHA facilities.

**2. BACKGROUND:** The Department of Veterans Affairs (VA) is required by the Environmental Protection Agency (EPA) to participate in an Emergency Planning and Community Right-to-Know Program.

a. The Emergency Planning and Community Right-to-Know Act (EPCRA) is a separate, free-standing law included as Title III to the Superfund Amendments and Reauthorization Act of 1986 (SARA). Congress passed this Act in response to concerns raised by the disaster in Bhopal, India, in which thousands were killed or injured as a result of the release of a toxic gas from a nearby industrial facility. The Act provides for adequate response should the release of hazardous materials occur. It further mandates emergency planning efforts at state and local levels, and provides residents and local governments with access to information concerning potential chemical hazards and emissions present in their communities.

b. When passed in 1986, Federal agencies and activities were not required to comply with SARA Title III. However, as a result of the Federal Facilities Compliance Act of 1992, and Executive Order 13148 of 2000, all Federal agencies and facilities are required to comply with the provisions of SARA Title III, state and local environmental regulations, and actively participate in emergency planning activities. EPCRA is unique among Federal environmental laws in that Congress specifically requires state and local government organizations to administer the majority of the law by receiving reports and notifications, planning for chemical emergencies and providing the public with access to submitted information.

c. The basic purposes of SARA Title III are to promote emergency planning to respond to chemical releases and to ensure that information regarding chemicals in the community is available to the public and emergency planning agencies. These are accomplished by:

(1) Establishing State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) with responsibility to develop emergency plans to be followed in the event of an emergency chemical release.

(2) Implementing a series of notification and reporting requirements to state and local emergency planning activities with respect to type and quantities of specific chemicals.

(3) Promoting the development of local response plans and procedures in the event of an emergency chemical release.

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d. The implementation of the provisions of SARA Title III will protect emergency responders, the local community, and the environment from toxic and hazardous materials and their emissions that may constitute a health or environmental hazard. Compliance with SARA Title III will improve chemical safety and protection of public health. Title III reporting procedures are complex and may be modified by local and/or state requirements.

e. Other Federal agencies, state governments and industry are working with local communities to ensure a successful program. The LEPC is responsible for the development of the local emergency response plan, the collection and storage of information provided by facilities and making this information available to the public. Information on the LEPC may be obtained by contacting the local City and/or County Emergency Management Office.

***NOTE:** VHA Directive 2003-030, Management of Hazardous Chemicals, provides specific procedures for ensuring that hazardous chemicals are used, handled, stored, and disposed of in a manner consistent with regulatory, statutory and accrediting requirements, and accepted safe practices.*

**3. POLICY:** It is VHA policy that each facility must establish and participate in an Emergency Planning and Community Right-to-Know Program in accordance with this Directive and consistent with all Federal, state, and local regulations.

### 4. ACTION

a. **Health Care Facility Directors.** Health Care Facility Directors are responsible for:

(1) Establishing and participating in an effective Emergency Planning and Community Right-to-Know Program.

(2) Appointing an Emergency Response Coordinator (ERC), or other qualified individual, to administer the facility Emergency Planning and Community Right-to-Know Program and to serve as a point of contact with the LEPC. ***NOTE:** If necessary, the ERC can represent the facility on the LEPC, or the Emergency Medical Preparedness Office Area Manager can serve in this capacity, if available.*

(3) Coordinating with the LEPC and other Federal, state, and local agencies to include, but not limited to:

(a) Participating in SARA Title III planning activities.

(b) Discussing with the LEPC the potential for spills or releases of chemicals on the Extremely Hazardous List and their Threshold Planning Quantities (TPQs) as published in the most recent Title 40 Code of Federal Regulations (CFR) Part 355, Appendices A and B.

(c) Reviewing proposed hazardous chemicals and quantities which would require additional reporting to LEPCs.

(d) Reporting spills or releases of chemicals on the Extremely Hazardous List or other chemicals as required.

(4) Providing, upon request, the nature and quantity of chemicals on the Extremely Hazardous List or other chemicals as may be required.

(5) Reviewing annually and updating facility inventories of hazardous chemicals and wastes.

(6) Integrating the health care facility Emergency Planning and Community Right-to-Know Program into the facility Green Environmental Management System (GEMS). Issues related to Emergency Planning and Community Right-to-Know (SARA Title III) are to be addressed through the health care facility's GEMS process when implemented.

b. **The Chief Facilities Management Officer.** The Chief Facilities Management Officer (18) is responsible for:

(1) Maintaining and updating Reports Control Number (RCN) 10-99-904, the Waste Minimization and Compliance Report, to include:

(a) The name and position title of the ERC for each health care facility.

(b) A listing of facilities with EPA designated extremely hazardous substances on site at any one time at or above the threshold planning quantity, and the types and amounts of chemicals involved.

(c) A listing of facilities required to submit the EPA Toxic Chemical Release Inventory Form R for each calendar year.

(d) A listing of facilities experiencing emergency releases of extremely hazardous or hazardous substances to include the location and duration of the release, as well as the chemical(s) released.

(2) Providing for the review of periodic survey data of hazardous substances, including follow-up with the Deputy Under Secretary for Health for Operations and Management (10N).

(3) Determining if there are national trends requiring redress.

(4) Developing recommendations for corrective action to the Under Secretary for Health.

(5) Providing assistance to the Agency Environmental Executive (AEE) for developing periodic reports to EPA regarding SARA Title III, as required.

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### **5. REFERENCES**

- a. Public Law 99-499, The Superfund Amendment and Reauthorization Act of 1986, Sections 302, 303, 304, 311, 312, and 313, dated October 17, 1986.
- b. Title 40 CFR Parts 355-370.
- c. Federal Facilities Compliance Act, dated October 9, 1992.
- d. Executive Order 13148, Greening the Government through Leadership in Environmental Management, dated April 21, 2000.
- e. VHA Directive 2003-030, Management of Hazardous Chemicals, dated June 11, 2003.

**6. FOLLOW-UP RESPONSIBILITY:** Director, Environmental Programs Service (181C) is responsible for the contents of this Directive. Questions may be addressed to 202-565-8525.

**7. RECISSIONS:** VHA Directive 99-011 is rescinded. This VHA Directive expires June 30, 2008.

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